

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv255

SEREFEX CORPORATION,

Plaintiff,

vs.

BILTMORE INVESTMENTS, LTD.,

Defendant.

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ORDER

THIS MATTER is before the Court on the Order of Hon. John E. Steele [Doc. 124] transferring this case to the Western District of North Carolina.

This case was filed in 2008 in the United States District Court for the Middle District of Florida. [Doc. 1]. Biltmore Investments, Ltd. (Biltmore) was added as a defendant in March 2009. [Doc. 25]. The action arises from a stock exchange agreement entered into between Serefex Corporation (Serefex) and Hickman Systems, Inc. in 2007. [Id.]. Biltmore is alleged to have acted as a broker for the agreement. [Id. at 7]. In August 2010, default judgments were taken against the other named defendants in the action, leaving Biltmore as the only remaining defendant. [Doc. 115]. In February

2011, Biltmore notified the Court that it had filed a Chapter 11 bankruptcy petition in the United States Bankruptcy Court for the Western District of North Carolina. [Doc. 120]. In March 2011, the District Court in Florida entered an Order staying this case, terminating all previously filed motions and scheduled deadlines and ordering Biltmore to notify the Court of the status of the bankruptcy case on or before February 29, 2012. [Doc. 121]. The case was then transferred to this Court on October 3, 2011. [Doc. 124].

The Court notes that Biltmore has brought an adversary proceeding in the United States Bankruptcy Court for the Western District of North Carolina against two of the parties against whom Serefex has obtained default judgments in this case. [Biltmore Investments, Ltd. v. David D'Anza, Hickman Holdings, L.P., AP 11-01021]. The Court also notes that Serefex moved to intervene in that adversary proceeding as a party in interest to defend against the allegations made against D'Anza and Hickman Holdings. [Id. at Doc. 11]. A hearing on the motion was scheduled in Bankruptcy Court on October 19, 2011. [Id. at Doc. 21].

The transferred case remains stayed by the previous Order of Judge Steele. The Court, however, directs that counsel advise whether the motion to intervene in the Adversary Proceeding is granted or denied. The Court also notes that counsel were notified to file a motion for *pro hac vice* admission on

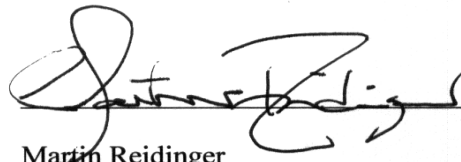
or before October 14, 2011 and have not done so.

IT IS, THEREFORE, ORDERED that counsel are directed to file motions for *pro hac vice* admission on or before five (5) business days from entry of this Order.

IT IS FURTHER ORDERED that counsel shall advise the Court in writing of the disposition of Serefex's Motion to Intervene in the adversary proceeding on or before five (5) business days from such ruling.

IT IS FURTHER ORDERED that Biltmore Investments, Ltd. shall notify this Court in writing on or before February 29, 2012 of the status of its bankruptcy proceeding.

Signed: October 20, 2011


Martin Reidinger
United States District Judge

